IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 33309 of 2006(M)

PETITIONER:

AREEKARA SUJATHA, W/O. CHANDRAN,
AGED 50 YEARS, THAICAUD, BRAHMAKULAM P.O.,
BRAHMAKULAM.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

1. GURUVAYUR CO-OPERATIVE URBAN BANK LTD.
NO.F.1652, GURUVAYUR, REP. BY ITS MANAGER.

2. THE GENERAL MANAGER(AUTHORISED OFFICER),
GURUVAYUR CO-OPERATIVE URBAN BANK LTD.NO.F.1652,
GURUVAYUR.

BY ADV. SRI.T.R.HARIKUMAR
SRI.V.G.ARUN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.33309 of 2006

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Dated this the 27th day of February, 2007

J U D G M E N T

The petitioner defaulted repayment of loan amounts due to the 1st respondent bank. The petitioner does not dispute the liability or the amount due. Her only contention is that she being a cancer patient, undergoing very expensive treatment, she may be allowed to pay off the amounts in easy instalments.

2. The learned Standing Counsel for the 1st respondent stoutly opposes the prayer. According to him, being an urban bank, the bank cannot agree to any instalment payment when the borrower has already committed default in payment of the amount in accordance with the loan agreement.

3. In spite of the stout opposition of the counsel for the 1st respondent, I feel that even an urban bank should not be insensitive to the sufferings of the people, especially the sufferings of a cancer patient, who naturally would require huge amounts for expensive treatment. In the above circumstances, I am inclined to grant some

concession to the petitioner in the matter of payment of the loan amounts in easy instalments. The learned Standing Counsel for the 1st respondent submits that the total amount due as on today from the petitioner is Rs.1,86,389/-. I direct the 1st respondent to permit the petitioner to pay off the amounts due including interest which may accrue hereafter in instalments of Rs.20,000/- per month starting from 19.3.2007. Subsequent instalments shall be paid on the 19th of every succeeding month. If the petitioner pays the instalments in time, further coercive proceedings for recovery of the loan amount shall be kept in abeyance. However, if the petitioner fails to pay any one instalment as directed above, it would be open to the respondents to continue the coercive recovery proceedings as now initiated without having to issue any fresh notice or proceedings in that regard.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.